

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA, *ex. rel.* §
PHILLIP GARBIS; STATE OF TEXAS, *ex* §
rel. PHILLIP GARBIS; §
§

Plaintiffs, §
§

v. §

DAYBREAK VENTURE, LLC, et al. §
§

Defendants. §

CIVIL ACTION NO. 2:16-CV-00941-JRG

ORDER

Before the Court is the Joint Stipulation of Dismissal of Claims (“the Stipulation”) filed by Relator Phillip Garbis (“Relator”) and Defendants Daybreak Venture, LLC and related entities¹ (“Daybreak”) (collectively, “the Parties”). (Dkt. No. 28). In the Stipulation, the Parties request that, upon receipt of the written consent of the United States and the State of Texas, the Court dismiss Relator’s claims against Daybreak with prejudice as to Relator and without prejudice as to the United States and the State of Texas. The United States filed a Notice of Consent to Relator’s Voluntary Dismissal on March 11, 2020 (“the Notice”). (Dkt. No. 29). In the Notice, the United States and the State of Texas consent to the voluntary dismissal of this action if such dismissal is without prejudice as to the United States and the State of Texas.

Accordingly, the Court hereby **ORDERS** Relator’s claims against Daybreak **DISMISSED WITH PREJUDICE** as to Relator and **DISMISSED WITHOUT PREJUDICE** as to the United States and the State of Texas.

¹ The “related entities” consist of Daybreak Partners, LLC, Daybreak Therapy, LLC, Daybreak Healthcare, Inc., MAS Medical Staffing, Inc., and dozens of nursing facilities owned by Daybreak Venture, LLC, all of which were named as defendants in this action.

So ORDERED and SIGNED this 12th day of March, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE